

500 KAR 10:040. Program Review.

RELATES TO: KRS 196.700 - 196.736

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.735 requires the Kentucky State Corrections Commission to evaluate each community corrections program on an annual basis. KRS 15A.160 and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation provides for review of the community corrections program.

Section 1. Review Process. (1) During each fiscal year, the administrator shall inspect and examine the fiscal and program records of each grant to determine compliance with the program plan and prepare a compilation of the reports for the commission. The administrator shall provide the compilation and the grant reports each quarter to the Commission.

(2) Each fiscal year, the administrator shall compile the grant program results into an annual report. The commission shall review this report and may adopt all or portions of it for the annual evaluation required by KRS 196.735.

Section 2. Additional Information. (1) A grantee shall present the progress of its program and oversight by the board to the commission at its meeting upon request.

(2) The administrator shall obtain an annual independent audit of each grant recipient. The administrator shall provide a summary of the audit results to the commission.

Section 3. Compliance Issues. (1) If the administrator determines that there is reasonable cause to believe that a program or facility is not in substantial compliance with current requirements of the grant, or the program plan under which it was funded, notice of the findings shall be submitted to the commission.

(2) If information concerning a compliance issue is received and the chair of the commission determines that there is a significant risk of dissipation of funds, the chair may suspend all or any portion a grant until the commission meets and considers the matter.

(3) The commission may suspend all or any portion of a grant or revoke the grant if it is determined by the commission that the board is not in substantial compliance or has not made satisfactory progress in achieving substantial compliance.

(a) Suspension.

1. Notice of the suspension shall be sent in writing to the grant recipient and board.

2. The notice shall provide specific actions for the grant recipient to correct deficiencies during the suspension and address compliance with the grant requirements.

3. The grant recipient shall provide progress reports as indicated in the suspension notice to the administrator.

4. The administrator shall monitor the grant recipient's progress in correcting the deficiencies and shall provide a report to the commission of the grant recipient's progress.

5. The commission shall review the grant recipient's progress as soon as practicable, but not more than ninety (90) days, after the sending of the report by the administrator to determine whether to:

a. Continue the suspension with instructions to the grant recipient concerning correction of the deficiencies;

b. End the suspension and resume the grant funding because the grant recipient has:

(i) Sufficiently corrected the deficiencies; or

- (ii) Put into place satisfactory steps to achieve compliance within a reasonable time; or
- c. Revoke the grant recipient's funding for that fiscal year.
- (b) Revocation. If the commission decides to revoke funding:
 - 1. a. The administrator shall provide written notice to the grant recipient and board within seven (7) days; and
 - b. Additional funds shall not be dispersed to the grant recipient for that fiscal year; and
 - 2. The commission may require the return of unexpended grant monies.
- (4) If the grant recipient is instructed to return the unexpended funds, the grant recipient shall provide a check made payable to the Kentucky State Treasurer as soon as practicable, but not later than thirty (30) days, after receipt of the notice. (19 Ky.R. 1022; Am. 1367; eff. 12-9-1992; 46 Ky.R. 2130, 2632; eff. 6-30-2020.)